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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,463	01/24/2002	Allan Herrod	554B	1029

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SYMBOL TECHNOLOGIES, INC
ONE SYMBOL PLAZA
MS/A6
HOLTSVILLE, NY 11742

EXAMINER

TRAN, CONGVAN

ART UNIT PAPER NUMBER

2683

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,463

Applicant(s)

HERROD ET AL.

Examiner

CongVan Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-96 is/are pending in the application.
- 4a) Of the above claim(s) 1-74, 93 and 94 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 75-92, 95-96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to amendment filed on Nov. 23, 2004.
2. Claims 1-74, and 93-94 have been canceled.
3. Claims 95-96 have been added.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 75, 77-78, 95-96 are rejected under 35 U.S.C. 102(e) as being anticipated by Azar (5,778,177).

Regarding claims 75, 77, Azar discloses interactive scanning device comprising a computer terminal with an optical reader arranged to receive a data input query from the customer utilizing the terminal and relating to one or more product located in a product access zone (see abstract, fig.3, elements 10, 12 and its description); remote link that receives a wireless signal from an access point and transmits the wireless signal to the computer terminal, wherein the wireless signal is associated with information relating to the one or more products within the product access zone (see abstract, fig.3, elements 10, 12, col.1, lines 48-52 and its description); and a display that presents an image of the one or more products to be accessed by the user, the

image is based at least in part upon the wires signal (see abstract, fig.3, element 14 and its description).

Regarding claim 95, Azar discloses interactive scanning device comprising providing a computer terminal to a user which is utilized within the enclosed environment (see abstract, fig.3, element 10 and its description); receiving a signal that provides information relating to specified products within a predetermined radius of the user (see abstract, fig.3, elements 10, 12, col.1, lines 48-52 and its description); displaying a image of each of specified products via the computer terminal (see abstract, fig.3, element 14 and its description).

Regarding claim 96, Azar discloses interactive scanning device comprising means sending a wireless signal to a computer terminal (see abstract, fig.3, element 12, col.1, lines 48-52 and its description); means for receiving the wireless signal the wireless signal via computer terminal indicative of at least one product within a product access zone (see abstract, fig.3, element 10, col.1, lines 48-52 and its description); means for associating at least one image with at least one product located within the product access zone (see abstract) and means for displaying the at least one image on the computer terminal (see abstract, fig.1, element 14 and its description).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 76, 80-87, 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azar (5,778,177) in view of Durbin et al. (6,039,258).

Regarding claim 76, Azar discloses all the subject matters described in rejected claim 75, except for the optical reader is a bar code reader. However, Durbin further discloses a hand-held portable data collection terminal system comprising: an optical reader is a bar code reader, which functions to generate the query by scanning a bar code symbol (see fig.6, element 100 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Durbin's bar code reader to the Azar's system in order to improve the use of scanner device.

Regarding claims 80, 85, Durbin further discloses the display is included in the housing terminal (see fig.6 and its description).

Regarding claim 81-84, 86-87, 92, Durbin further discloses the query is relayed to a server and the terminal receives responsive data server, using wireless communication (see col.4, lines 24-49).

8. Claims 79, 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azar (5,778,177) in view of Yamamoto (5,991,276).

Regarding claim 79, 88, Azar discloses all the subject matters described in rejected claims 75, 77, except for scaling the data to the size of display. However, Yamamoto discloses a videoconference system comprising image scanner for scaling the data to the size of display (see fig.4, element 16, 19 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention

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was made to use Yamamoto's scaling image in Azar's system in order to improve the use of the optical reader and to make the images fit to the screen of the computer terminal.

9. Claims 89-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azar (5,778,177) in view of Soltesz (5,756,978).

Regarding claims 89-90, Azar discloses all the subject matters described in rejected claims 75, 77, except for identifying user to the system via a magnetic card wipe slot. However, Soltesz discloses a modular optical memory card image displays point on sale terminal comprising identifying user to the system via a magnetic card wipe slot (see fig.1, element 26 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Soltesz's identifying user in Azar's system in order to improve the use of the optical reader for identifying the person.

10. Claims 91 is rejected under 35 U.S.C. 103(a) as being unpatentable over Azar (5,778,177) in view of Copland (5,717,430).

Regarding claims 91, Azar discloses all the subject matters described in rejected claims 75, 77, except for speaker and voice synthesizer. However, Copland discloses computer controls product including optical scanner, speaker and voice synthesizer (see col.1, lines 18-27). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Copland's speaker and voice synthesizer in Azar's system in order to improve the use of the optical reader.

Conclusion


11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CONGVAN TRAN
PRIMARY EXAMINER

CongVan Tran
Primary Examiner
Art Unit 2683

April 18, 2005.